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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,124	10/04/2004	Anders Dahlberg	HPX0088-PCT	6608
909	7590	01/25/2008		
PILLSBURY WINTHROP SHAW PITTMAN, LLP			EXAMINER	
P.O. BOX 10500			DEXTER, CLARK F	
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			01/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/510,124

Applicant(s)

DAHLBERG, ANDERS

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-10 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The amendment filed on October 24, 2007 has been entered.

### ***Claim Objections***

2. Claims 14-17 are objected to because of the following informalities:

In claim 14, line 2, the recitation "a cylindrical recess" is not sufficiently clear as to whether it is further defining the recess set forth in claim 13 or is defining another recess; in line 3, "said recess" is not sufficiently clear as to which recess.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindell, pn 4,470,330.

Lindell discloses a device with every structural limitation of the claimed invention including:

a striking unit (e.g., 20);

a tool housing (e.g., 25);

a damper unit (e.g., 53, 55);

a movable crosscutting tool (e.g., 26) and a fixed crosscutting tool (e.g., 27);

said tool housing comprising a solid base element with a horizontally extending recess for receiving said fixed crosscutting tool (e.g., as stated in the last Office action, Figures 2 and 3 show a recess into which tool 27 is received);

said recess having a supporting surface (e.g., a surface against which 27 abuts) with support material for withstanding impact acting in a transverse direction on said fixed crosscutting tool, and

wherein, in the direction of impact, a material thickness of said solid base element measured from said supporting surface to an upper end surface of said base element (e.g., the topmost surface shown in Fig. 2, above numeral 36) is greater than a transverse material thickness of said base element (e.g., as stated in the previous Office action, the portion of the base element between 53 and the rightmost or leftmost side; or the portion of the base element measured from the cavity in which 57 is located to the rightmost side of the base element);

[claim 19] wherein an extent of said recess in a direction of impact is less than said material thickness in a direction of impact (e.g., as shown in Fig. 2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindell, pn 4,470,330.

Lindell discloses a device with almost every structural limitation of the claimed invention including:

a striking unit (e.g., 20) comprising a striking piston;

a tool housing (e.g., 25, and alternately 25, 27);

a damper unit (e.g., 53, 55);

a movable crosscutting tool (e.g., 26 and/or the circular tool in the center thereof) movably arranged within said tool housing;

a fixed crosscutting tool (e.g., 27 and/or the circular tool in the center thereof) fixedly arranged within said tool housing;

said striking piston arranged to administer a force to the movable crosscutting tool;

said fixed crosscutting tool arranged to exert a detaining force upon the workpiece;

said damper unit constructed and arranged to brake the striking motion of said movable crosscutting tool, and

wherein the tool housing has at least two supporting surfaces for positioning said movable crosscutting tool, and

wherein a recess (e.g., as shown in Fig. 3 between the surfaces of 32 through which 30 extends) is constructed and arranged between said supporting surfaces to provide space for movement of said striking piston therein;

[portion of claim 14] wherein said recess is designed for arrangement of said fixed crosscutting tool inside said tool housing (e.g., as shown in Figs. 2 and 3).

[claim 15 (from 14)] wherein said recess is disposed in a homogenous base element belonging to said tool housing (e.g., as shown in Figs. 2 and 3);

[claim 16 (from 15)] wherein an axially displaceable adjusting mechanism (e.g., 38) is disposed coaxially with said cylindrical recess for axially adjustable positioning of said fixed crosscutting tool inside said recess;

[claim 17 (from 15)] wherein a supporting member for said damper unit is designed to be anchored directly to said base element.

Lindell lacks:

[from claim 13] said supporting surfaces being curved and having a same radius;  
and

[from claim 14] wherein the tool housing is provided with a cylindrical recess having a same centre line and said same radius as said supporting surfaces.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art to make the supporting surfaces located on both sides of 30 as viewed in Fig. 3 curved since applicant has not disclosed that having such surfaces in a curved configuration solves any stated problem or is for any particular purpose, and it appears

that the device of Lindell would perform equally well with the surfaces having a straight or curved configuration.

Regarding claim 14, it would have been obvious to one having ordinary skill in the art to make the recess of Lindell cylindrical since applicant has not disclosed that having such a cylindrical configuration solves any stated problem or is for any particular purpose, and it appears that the device of Lindell would perform equally well with the surfaces having either configuration.

### ***Response to Arguments***

7. Applicant's arguments filed October 24, 2007 have been fully considered but they are not persuasive. It is respectfully submitted that the claims remain sufficiently broad such that the prior art teaches or fairly suggests the claimed invention as described in further detail in the prior art rejection above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
January 22, 2008